

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LAUREL PARK COMMUNITY, LLC, a Washington  
limited liability company; TUMWATER ESTATES  
INVESTORS, a California limited partnership;  
VELKOMMEN MOBILE PARK, LLC, a Washington  
limited liability company; and MANUFACTURED  
HOUSING COMMUNITIES OF WASHINGTON, a  
Washington non-profit corporation,

Plaintiffs,

v.

CITY OF TUMWATER, a municipal corporation,

Defendant.

No. C09-05312BHS

[PROPOSED]  
ORDER GRANTING  
PLAINTIFFS' MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT

Note on Motion Calendar:  
March 26, 2010

THIS MATTER came before the Court on the motion of plaintiffs Laurel Park Community, LLC, Tumwater Estates Investors, Velkommen Mobile Park, LLC, and Manufactured Housing Communities of Washington for an order granting their motion for partial summary judgment. Plaintiffs were represented by Philip A. Talmadge, Thomas M. Fitzpatrick, and Emmelyn Hart-Biberfeld of Talmadge/Fitzpatrick, 18010 Southcenter Parkway, Tukwila, WA 98188, (206) 574-6661 and Walter H. Olsen, Jr. of Olsen Law Firm PLLC, 604 W. Meeker Street, Suite 101, Kent, WA 98032, (253) 813-8111. Defendant City of Tumwater was represented by Jeffrey S. Myers of Law, Lyman, Daniel, Kamerrer & Bogdanovich, P.S., P.O. Box 11880, Olympia, WA 98508-1880, (360) 754-3480.

1 The Court considered the following pleadings:

- 2 • Plaintiffs' Motion for Partial Summary Judgment on Takings/Due Process  
3 Violations;  
4 • Declaration of James Andersen in Support of Motion for Partial Summary  
5 Judgment;  
6 • Declaration of Robert Eichler in Support of Motion for Partial Summary  
7 Judgment;  
8 • Declaration of William Schmicker in Support of Motion for Partial Summary  
9 Judgment;  
10 • Declaration of John Woodring;  
11 • Declaration of Scott Missall;  
12 • Declaration of Jeanne-Marie Wilson in Support of Partial Summary  
13 Judgment;  
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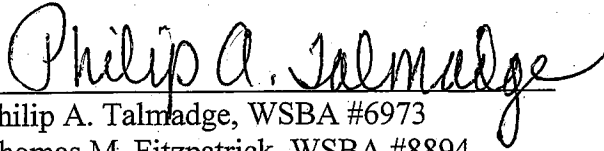
15 Being fully advised as to the premises for the motion, the Court rules as follows:

- 16 1. Plaintiffs' motion for partial summary judgment is hereby GRANTED.

17 DONE IN OPEN COURT this \_\_\_\_ day of \_\_\_\_\_, 2010.

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19 \_\_\_\_\_  
JUDGE

1 Presented by:

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